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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:19217 of 2006

DATED: 18-09-2006

Between:

P.Nageswara Rao

..... PETITIONER

AND

1. The District Collector & Magistrate, Guntur, Guntur District and another

.....RESPONDENTS

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ORDER:(per Hon'ble Sri Justice Ramesh Ranganathan)

Aggrieved by the order of the Collector and District Magistrate, Guntur, dated 21-03-2006 placing him under suspension under sub-rule (1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991, the petitioner herein approached the Tribunal in O.A.No.1777 of 2006. The Tribunal, by its order dated 24-08-2006, took note of the fact that the complaint against the petitioner was

registered in 2004, that it is only after investigation by the Police and on a report submitted to the first respondent in 2006, was the petitioner herein placed under suspension pending disciplinary action/criminal case. The Tribunal took note of the fact that the impugned order of suspension had been passed by the competent authority, in accordance with the rules, based on a prima-facie case against the petitioner and not on the ground that the petitioner was in judicial custody for more than 48 hours. The Tribunal held that it cannot be construed that the impugned order of suspension had been passed without application of mind. While the Tribunal found no ground to interfere with the order of suspension, it however, directed the respondents herein to review the suspension of the applicant on completion of six months, as per G.O.Ms.No.86, G.A.D. dated 08-03-1994.

Before us, Sri B.A.Prakash Reddy, learned counsel for the petitioner, would submit that the petitioner was needlessly implicated and, in the *bona fide* belief that the request made was genuine, he had attested the said certificate, more so, when the Mandal Revenue Officer had issued a passbook in this regard. Learned counsel would submit that since no charge sheet has been filed in the criminal case nor has the departmental enquiry commenced, the order of the Tribunal upholding the order of suspension of the petitioner, cannot be sustained.

As rightly pointed by the Tribunal, since a prima-facie case was found against the appellant, the order placing him under suspension cannot be construed as an order passed without application of mind. Since the respondents herein had acted in accordance with sub-rule (1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991, it is not for this Court, in proceedings under Article 226 of the Constitution of India, to interfere with the order placing the petitioner under suspension. In the present case, the Tribunal has directed the respondents to review the suspension of the petitioner on completion of six months. Since the petitioner herein was placed under suspension on 21-03-2006, the six months period would be completed on 21-09-2006 less than a week from now.

Since the Tribunal has directed the respondents to review the order of suspension of the petitioner herein in accordance with G.O.Ms.No.86 G.A.D., dated 08-03-1994, we see no reason to interfere with the order of the Tribunal at this stage.

The Writ Petition is accordingly dismissed. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

18th September, 2006

SKM